

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

JAMES R. HENSON,) Docket No.: 07 CV 50223
)
Plaintiff,)
)
vs.) Judge Frederick J. Kapala
)
BARCZY, ET AL.,)
)
Defendants.)

MOTION TO WITHDRAW

GREGORY TUITE, appointed counsel for Plaintiff, moves this Honorable Court for leave to withdraw as attorney of record. In support of the Motion, counsel states as follows:

1. This matter arises out of a Section 1983 civil rights action which Plaintiff filed pro se against several Defendants employed by the Dixon Correctional Center and/or the State of Illinois Department of Corrections.

2. On January 3, 2008, Attorney GREGORY E. TUITE was appointed by this Court as counsel for Plaintiff.

3. Plaintiff's counsel has conflicts of interest which preclude him from adequately representing Plaintiff.

4. Plaintiff's counsel GREG TUITE is employed by the State of Illinois as a Commissioner in the Court of Claims to hear claims against the State of Illinois under the Court of Claims Act. As part of said duties, he hears claims against State agencies including the Dixon Correctional Center, which is under his territory. Furthermore, it would be inappropriate for GREG TUITE to pursue litigation against individuals or employees

of the Illinois Department of Corrections who may be witnesses or parties in claims heard by Commissioner TUITE. In addition, the facts alleged by Plaintiff in his complaint could also form the basis of a complaint against the State of Illinois in the Court of Claims. This would present additional conflicts, as Attorney Tuite is an employee of the State of Illinois and could be assigned to hear the claim against the State.

5. Plaintiff will not be prejudiced by the withdrawal as this matter has just been filed, counsel has just been appointed, defense counsel has not yet filed an appearance, and no discovery has been conducted.

WHEREFORE, GREGORY TUITE requests that this Honorable Court grant him leave to withdraw as attorney of record for Plaintiff.

s/ Gregory E. Tuite
GREGORY E. TUITE,
Attorney for Plaintiff

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